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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,709	11/30/2001	John D. Zimmerman	US010626	9526

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

O STEEN, DAVID R

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/015,709

Applicant(s)

ZIMMERMAN ET AL.

Examiner

David R. O'Steen

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3, 6-8, 11-16, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha (US 6,490,724) in view of Ellis (US 6,898,762). As regards Claims 1 and 14, Ha discloses an apparatus (col. 1, line 43) for obtaining for a user recommendation for a media program (fig. 1.S10) and one or more rationale for that recommendation for a media program (such as same channel was watched at the same time the week before) (fig. 1.S1), said program having attributes, said apparatus comprising: a means for obtaining a consumption history of past media programs selected by said user (fig. 1 block stating: Update Habit Channel Viewing Database, etc); a means for determining both a recommendation and a rationale for said recommendation by analyzing said data (figs. 1.S2 and 1.S3); and, a means for communicating said recommendation and said rationale to the user (fig. 8). Ha does not disclose a means for generating an explicit profile for said user comprises collecting data of program attributes for said past media program selections. Ellis does disclose a means a means for generating an explicit profile for said user comprises collecting data of program attributes for said past media program selections (col. 23, lines 61-63).

Ha and Ellis are analogous art because they belong to the same field of endeavor, namely Television Systems that make Program Recommendations.

At the time of invention, it would have been obvious to a person skilled in the art to introduce the more sophisticated recommendation system, including user profiles, of Ellis to the recommendation system of Ha so that the relevance of the recommended programs can be improved.

As regards Claims 2 and 15, Ellis further discloses a means for generating an explicit profile comprises obtaining information provided by the user (figs. 13a-13f and col. 14, lines 29-37).

As regards Claims 3 and 16, Ellis further discloses a means for determining comprises a means for obtaining attributes of new programs (col. 1, lines 57-62).

As regards Claims 6 and 19, Ha discloses that the rationale for said recommendation is a justification that is readily understood to the user (fig. 8).

As regards Claims 7 and 20, Ellis discloses that the communication for said rationale to the user is performed in a conversational tone (fig. 9b).

As regards Claims 8 and 21, Ellis further discloses that the means for determining a rationale for said recommendation comprises identifying program attributes relating to human to human (such as an actor starring in a movie) relationships of the creators of the programs' content (col. 16, lines 26-32).

As regards Claim 11, Ellis discloses that past media program comprises one or more of the following media types: television programs, movies, music, and print media (col. 2, lines 47-52).

As regards Claims 12 and 13, Ha discloses a system for obtaining for a user a recommendation for a media program and one or more rationale for that recommendation for a media program, said program having attributes, said system comprising: obtain a consumption history of past media programs selected by said user (fig. 1 block stating: Update Habit Channel Viewing Database, etc); determine both a recommendation and a rationale for said recommendation by analyzing said data (figs. 1.S2 and 1.S3); and, communicate said recommendation and said rationale to the user (fig. 8). Ellis discloses a memory for storing computer readable code (fig. 4.63); and a processor operatively coupled to said memory (fig. 4.42) and generating an explicit profile for said user comprises collecting data of program attributes for said past media program selections (col. 23, lines 61-63).

Claims 4,5,17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha (US 6,490,724) in view of Ellis (US 6,898,762) and Lawlor (US 5,758,259). As regards Claims 4 and 17, Ha and Ellis disclose the apparatus and method of Claims 3 and 16, but do not disclose the means for determining further comprises a means of scoring correlations of said programs attributes of past media program selections with attributes of said new programs. Lawlor discloses the means for determining further comprises a means of scoring correlations of said programs attributes of past media program selections with attributes of said new programs (cols. 8 and 9, lines 63-67 and 1-6).

Ha, Ellis, and Lawlor are analogous art because they belong to the same field of endeavor, namely Television Systems that make Program Recommendations.

At the time of invention, it would have been obvious to a person skilled in the art to introduce the attributes and correlation method described by Lawlor with the recommendation system of Ha and Ellis so that the recommendation system can make more accurate suggestions for the user.

As regards Claims 5 and 18, Lawlor further discloses a means for scoring that comprises utilizing a user selectable weighting of program attributes of most recent past media program selections (col. 8, lines 38-44) and program attributes of most frequently occurring past media program selections (such as episodes in a series) (col. 7, lines 33-35).

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha (US 6,490,724) in view of Ellis (US 6,898,762) and Graves (US 5,410,344). As regards Claim 9, Ha and Ellis jointly disclose the apparatus of Claim 8 but they do not disclose that the human to human relationships comprises collaborative efforts of actors, directors, writers, producers, musical bands, musicians, or other creators of the programs' content. Graves discloses that the human to human relationships comprises collaborative efforts of actors, directors, writers, producers, musical bands, singers, musicians, (as in musical score) or other creators of the programs' content (fig. 3).

Ha, Ellis, and Graves are analogous art because they belong to the same field of endeavor, namely Television Systems that make Program Recommendations.

At the time of invention, it would have been obvious to a person skilled in the art to introduce the attributes described by Graves with the recommendation system of Ha

and Ellis so that the recommendation system can make more accurate suggestions for the user.

As regards Claim 10, Graves also discloses that the means for determining a rationale for said recommendation comprises identifying program attributes relating to one or more characters contained in the programs content (col. 5, lines 6-9).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ali (US 2002/0199194) discloses a device that allows users to rate programs as well as director and actors with "thumbs up" and "thumbs down" and then uses various filters and predictive methods to make recommendations to the user about future and unwatched programs. Maisel describes a system that alerts users about a program that the system recommends based on the previous watching habits of the user. It utilizes viewer histories and intelligent agents to predict which shows in the EPG the user may want to watch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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